

## OFFICE OF OPERATIONS

ORDER NO. 13

November 3, 1988

TO: All Personnel, Office of Operations

FROM: Director, Office of Operations

SUBJECT: FIELD RELEASE FROM CUSTODY (FRFC) PROCEDURES - EXPANDED

EFFECTIVE: Immediately

PURPOSE

This Order supersedes Office of Operations Order No. 3, 1988. It requires the completion of the Release From Custody Report Continuation, Form 5.2.8, in conjunction with the Notice to Appear/Release From Custody Report, Form 5.2.2.

It expands Field Release From Custody (FRFC) procedures for selected offenses and, in certain arrest situations, allows for the immediate disposition of evidence.

INFORMATION

The interests of the Department can best be served by allowing field officers to use an abbreviated release from custody procedure, when practicable. Such a procedure allows officers to FRFC a qualifying arrestee, and to immediately dispose of evidence which consists solely of an alcoholic beverage and/or its container. This alternative will increase field officer availability.

The City Attorney's Office will file criminal complaints only when all of the elements of the offense, all of the officers' observations, and all other information applicable to the offense and arrest has been thoroughly documented.

Arrestees who qualify for the FRFC procedure need not be booked (i.e., photographed and fingerprinted) and may be released at the scene if the arrest is for any one (or more) of the following offenses:

- \* 12.21 LAMC (No permit vending on private property);
- \* 41.18 (a) LAMC (Blocking the sidewalk);
- \* 41.27 (c) LAMC (Drinking in public);
- \* 41.27 (h) LAMC (Possession of open container/alcoholic beverage);
- \* 43.01 LAMC (Gambling);
- \* 63.44 R 3 LAMC (Illegal vending in a public park);
- \* 63.44 (B) 14 LAMC (Present in park after hours);
- \* 374 b.5 PC (Urinating in public); or,
- \* 647 (c) PC (Begging).

## PROCEDURE

### Arresting Officers' Responsibilities

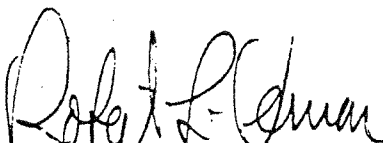
An officer may FRFC an adult arrestee, unless one or more of the following conditions exist:

- \* Arrestee is intoxicated to the point where the arrestee could be a danger to self or others;
- \* Arrestee requires a medical examination or medical care, or is otherwise unable to care for own safety;
- \* Arrestee has one or more outstanding arrest warrants;
- \* Arrestee is unable to provide satisfactory identification, e.g., permanent state issued driver's license or state identification card, United States Government identification, etc;
- \* Immediate release of the arrestee could jeopardize the prosecution of the offense for which arrested or the prosecution for any other offense;
- \* There is a reasonable likelihood that the offense would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the arrestee;
- \* Arrestee demands to be taken before a magistrate or refuses to sign the Notice to Appear;
- \* There is reason to believe that the arrestee would not appear at the time/place specified in the notice; or,
- \* The arrest involves a reportable use of force.

Arresting officers shall use the Release From Custody Report Continuation, Form 5.2.8, to document all facts applicable to the elements of the crime, observations made by the officer(s), identification of the arrestee, description and disposition of the evidence, etc. (see attached exemplar).

## EVIDENCE

Evidence which consists solely of an open alcoholic beverage and/or its container, seized pursuant to any offense delineated in this Order, may be immediately destroyed by the arresting officer. The evidence need not be booked, even if the arrestee does not qualify for FRFC, and is booked. All evidence which is immediately destroyed must be completely described (i.e., description of container, smell and visual examination of contents, type and amount of alcoholic beverage, etc.) in the appropriate report(s).



ROBERT L. VERNON, Assistant Chief  
Director  
Office of Operations

Attachment

DISTRIBUTION "0"

EXEMPLAR (41.27(c) LAMC)  
RELEASE FROM CUSTODY REPORT

<input type="checkbox"/> COMBINED EVID. RPT.		ITEM #, 1		ITY, DESCRIPTION	
LOCATION AND		DOB		ADDRESS	
DATE BKG.		DOB		ADDRESS	
BKG. TOUR MULT/11		DOB		ADDRESS	
NAME		DOB		ADDRESS	
W-1		DOB		ADDRESS	
W-2		DOB		ADDRESS	
W-3		DOB		ADDRESS	
Admission of Rights		DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU, RIGHT TO REMAIN SILENT?		DO YOU WISH TO GIVE UP THE RIGHT TO SPEAK TO AN ATTORNEY & HAVE HIM PRESENT DURING QUESTIONING?	
BY		QUANTITY, NET WEIGHT		SUPERV./INV./OFFICER, TESTING	
<input type="checkbox"/> IN SPANISH <input type="checkbox"/> POSITIVE <input type="checkbox"/> INCONCLUSIVE		<input type="checkbox"/> PRELIMINARY DRUG TEST <input type="checkbox"/> POSITIVE <input type="checkbox"/> INCONCLUSIVE		OFFICER WITNESSING	
Narrative (ADD: L. EVID./WITS, CO-ARRESTEES, SOURCE OF ACTIVITY, OBSERVATIONS, ARREST, REC. EVIDENCE, ADDITIONAL)					
RE: DOE, JOHN Q.					
SOURCE OF ACTIVITY					
I was on routine patrol in full uniform, driving a blk/wht police veh W/B 1st St approaching Main St.					
OBSERVATIONS					
I obs the deft standing at the N/E corner 1st and Main drinking from a 12 oz can of Budweiser beer. Upon inspection, I obs the can to contain an amber/foamy liquid. It smelled like beer. I formed the opinion that it was an alcoholic beverage. The can was 1/2 full. Deft was in a public place and in view of others.					
ARREST					
I arrested the deft for viol 41.27(c) LAMC drinking in public.					
BOOKING - FRFC					
Deft was not bkd. He was issued a FRFC at the scene of arrest and cited to appear in Div 61 on Oct 20, 1988, at 0830 hrs.					
EVIDENCE					
I discarded the open beer container and its contents in a nearby trash can.					
ADDITIONAL					
Although deft was not in possession of a permanent California Driver's License or Identification Card, he was positively identified by a permanent U.S. Government work I.D. with photo, substantiated by recent payroll stubs.					
RAP SHEET ATTACHED		YES <input type="checkbox"/> NO <input type="checkbox"/> - SEE NARRATIVE		DATE & TIME REPRODUCED	
ISSUING OFFICER'S PARTNER		UNAV. DATE APPROVING SUPERVISOR		SERIAL #	
Jones, R. O., 12		3 Past		Sgt. A. Smith 12345	

LAPD 05.02.8 - RELEASE FROM CUSTODY REPORT  
CONTINUATION (For use with Notice To Appear  
Citation, Form 05.02.2). (11/85)

DISTRIBUTION INSTRUCTIONS:

After this form is completed and approved, place the Notice To Appear citation on this (left) side and photo-copy required number of copies.

Forward the original Notice To Appear citation and two copies of the entire report to the custodial jailer (Metropolitan area) or Deputy City Attorney (Outlying areas).

COMBINED EVIDENCE REPORT:

If this RFC is used as a combined evidence report:

- \* Itemize and describe evidence in space provided. If space is insufficient, continue at beginning of narrative.
- \* Forward copy of completed face sheet with the evidence. (2 copies if narcotics.) THIS IS THE RESPONSIBILITY OF THE OFFICER BOOKING THE EVIDENCE.

NOTE: On multiple arrests, check the Combined Evid. Rpt. box on all the reports. Also enter the location booked, date booked & booked to info on all reports. Itemize the evidence on the report of the arrestee to whom the evidence is booked. Forward a copy of that report with the evidence.